

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

KERRI MICKELSEN,)	
Plaintiff,)	
v.)	No. 06-0630-CV-W-FJG
)	
LEAR CORPORATION, et al.,)	
Defendants.)	

ORDER

Pending before the Court is Defendant Lear's Motion to Dismiss Plaintiff's Negligence Claims (Doc. No. 4). Defendant Lear moves to dismiss these claims pursuant to Fed. R. Civ. P. 12(b)(1) and 12(b)(6). Plaintiff has filed no opposition to the present motion.

Defendant seeks dismissal of Count IV (Negligent Infliction of Emotional Distress), Count V (Negligent Supervision), and Count VI (Negligent Entrustment). As stated in defendant's motion and suggestions in support (Doc. Nos. 4 and 5), this Court lacks subject matter jurisdiction over plaintiff's negligence claims as the Missouri Workers' Compensation Act provides an exclusive administrative scheme for handling such claims. See Doc. No. 5, cases cited at pp. 3, 5. Accordingly, defendant's motion is **GRANTED**, and Counts IV, V, and VI are **DISMISSED WITHOUT PREJUDICE** pursuant to Fed. R. Civ. P. 12(b)(1).

IT IS SO ORDERED.

/s/ FERNANDO J. GAITAN, JR.
Fernando J. Gaitan, Jr.
United States District Judge

Dated: September 14, 2006.
Kansas City, Missouri.